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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,915	07/03/2000	Peter S. Linsley	30436.30US12	3276

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EXAMINER

LAZAR WESLEY, ELIANE M

ART UNIT PAPER NUMBER

1646

DATE MAILED: 08/07/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.



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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

1. The reply filed 4/22/2002 to the sequence letter mailed 3/15/2002 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the following reasons: (see NTC)

A) The instant specification does not comply with 37 C.F.R. § 1.821 (d) which requires a reference to a particular sequence identifier (SEQ ID NO:) be made in the specification **and claims** wherever a reference is made to that sequence. See M.P.E.P. 2422.04. Correction is required.

B) The declaration pursuant to 37 CFR 1.821(f) filed April 22, 2002, is deficient, as it does not state that the paper and CRF sequence listings do not include new matter. Correction is required.

2. Applicant is also invited to check that the positions of the amino-acids (for example S25-R33 in claim 2) match the SEQ ID in the claim.

As stated in the former sequence letter:

“It is also brought to the attention of the Applicants that the instant specification does not comply with 37 C.F.R. §1.821 (d) which requires a reference to a particular sequence identifier (SEQ ID NO:) be made in the specification **and claims** wherever a reference is made to that sequence. See M.P.E.P. 2422.04

Where sequence information is provided in the specification, it should be referred to by a SEQ ID number. See 37 CFR 1.821 (d): Where the description or **claims** of a patent application discuss a sequence listing that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this section, reference must be made to the sequence by use of the assigned identifier, in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application. “

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliane Lazar-Wesley, PhD, whose telephone number is (703) 305 4059. The examiner can normally be reached on Monday-Friday from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 308 4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

ELW
August 05, 2002

ELW

Lorraine Spector

**LORRAINE SPECTOR
PRIMARY EXAMINER**

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☒ 7. Sequence identifiers missing in the claims -
Other: _____

Applicant must provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123

For CRF submission help, call (703) 308-4212

For PatentIn software help, call (703) 557-0400

Please return a copy of this notice with your response.